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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) CASE NO. 16-MJ-71579 MAG
Plaintiff,)
v.)
NOEL GONZALEZ,) STIPULATION AND [PROPOSED] ORDER
Defendant.) CONTINUING PRELIMINARY HEARING AND
) STATUS CONFERENCE, EXTENDING TIME
) UNDER RULE 5.1, AND EXCLUDING TIME
) UNDER THE SPEEDY TRIAL ACT
)

The United States of America, through Lloyd Farnham, Assistant United States Attorney, and the defendant, Noel Gonzalez, through his counsel, hereby stipulate to a continuance of the preliminary hearing or arraignment date in this case from January 27, 2017 to February 24, 2017, at 9:30 a.m. before the Duty Magistrate. The defendant agrees that good cause exists to extend the time limits of Rule 5.1(c) to February 24, 2017. The parties also agree that time is appropriately excluded under 18 U.S.C. § 3161, the Speedy Trial Act, between January 27, 2017 and February 24, 2017.

The parties agree that good cause exists, taking into account the public interest in the prompt disposition of criminal cases, to extend the time for the preliminary hearing to February 24, 2017. The parties seek additional time to permit the defendant's counsel to review discovery materials provided in

1 the case, investigate factual issues, and for the parties to discuss a potential resolution. In addition,
2 counsel for the defendant is not available to appear on January 27, 2017.

3 The parties also agree that an exclusion of time is appropriate under the Speedy Trial Act
4 between January 27, 2017 and February 24, 2017 for purposes of the effective preparation of counsel,
5 and to permit counsel to conduct an investigation and consult with the defendant. In addition, the
6 defendant agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161.
7 The parties also agree that the ends of justice served by granting such a continuance outweigh the best
8 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

9 Respectfully submitted,

10 BRIAN J. STRETCH
11 United States Attorney

12 Dated: January 25, 2017

13 /s/
14 LLOYD FARNHAM
15 Assistant United States Attorney

16 /s/
17 JESSE GARCIA
18 Attorney for NOEL GONZALEZ

[PROPOSED] ORDER

2 Based upon the representation of counsel and for good cause shown, the Court finds that good
3 cause exists, taking into account the public interest in the prompt disposition of criminal cases, for
4 extending time under Rule 5.1 for a preliminary hearing to February 24, 2017. The Court further finds
5 that good cause exists for a continuance of the preliminary hearing date to February 24, 2017. The
6 Court finds that failing to exclude the time between January 27, 2017 and February 24, 2017 would
7 unreasonably deny the defendant and counsel the reasonable time necessary for effective preparation
8 and the continuity of counsel, taking into account the exercise of due diligence. The Court further finds
9 that the ends of justice served by excluding the time between January 27, 2017 and February 24, 2017
10 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant
11 in a speedy trial.

Therefore, IT IS HEREBY ORDERED that:

13 (1) The preliminary hearing or arraignment date are continued to February 24, 2017, at 9:30
14 a.m. before the Duty Magistrate; and

15 (2) Good cause exists to extend the time for the preliminary hearing under Rule 5.1 to
16 February 24, 2017; and

17 (3) The time between and January 27, 2017 and February 24, 2017 shall be excluded from
18 computation of any time limits under the Speedy Trial Act.

20 | DATED: 1/26/17

Kandis Westmore
HON. KANDIS A. WESTMORE
United States Magistrate Judge